

SENATE BILL

No. 171

Introduced by Senator Pavley

February 14, 2009

An act to amend Sections 44839 and 44839.5 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 171, as amended, Pavley. Certificated employees: medical certificates.

Existing law requires a school district or a county superintendent of schools to require a candidate for a position requiring certification qualifications or a retirant position, if the candidate has not previously been employed in a position requiring certification qualifications in this state or has not previously been employed as a retirant, to obtain a medical certificate showing that the candidate is free from any disabling disease making him or her unfit to instruct or associate with children. Existing law requires that the medical certificate be submitted directly to the governing board of the school district or the county superintendent of schools by a physician and surgeon licensed pursuant to specified statutes or a commissioned medical officer, as specified, following the completion of a prescribed medical examination of the candidate.

This bill, in addition, would authorize *the submission of the medical certificate by* a physician assistant practicing in compliance with specified statutes ~~to submit a medical certificate on behalf of a candidate for a position requiring certification qualifications or a retirant position to the governing board of a school district or a county superintendent of schools following completion of the prescribed examination or a~~

licensed advanced practice registered nurse who is qualified to perform a medical examination.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44839 of the Education Code is amended
2 to read:
3 44839. (a) When a school district or a county superintendent
4 of schools wishes to employ a person in a position requiring
5 certification qualifications and that person has not previously been
6 employed in a position requiring certification qualifications in this
7 state, the district or county superintendent shall require a medical
8 certificate in such form as shall be prescribed by the state board
9 showing that the applicant is free from any disabling disease
10 unfitting the applicant to instruct or associate with children. The
11 medical certificate shall be submitted directly to the governing
12 board or county superintendent by a physician and surgeon licensed
13 under the Business and Professions Code, a physician assistant
14 practicing in compliance with Chapter 7.7 (commencing with
15 Section 3500) of Division 2 of the Business and Professions Code,
16 *a licensed advanced practice registered nurse who is qualified to*
17 *perform a medical examination*, or a commissioned medical officer
18 exempted from licensure pursuant to federal law. The medical
19 examination shall have been conducted not more than six months
20 before the submission of the certificate and shall be at the expense
21 of the applicant. A governing board or county superintendent may
22 offer a contract of employment to an applicant subject to the
23 submission of the required medical certificate. Notwithstanding
24 Section 44031, the medical certificate shall become a part of the
25 personnel record of the employee and shall be open to the employee
26 or his or her designee.
27 (b) The governing board of a school district or a county
28 superintendent of schools may require certificated employees to
29 undergo a periodic medical examination by a physician and surgeon
30 licensed under the Business and Professions Code, a physician
31 assistant practicing in compliance with Chapter 7.7 (commencing
32 with Section 3500) of Division 2 of the Business and Professions
33 Code, *a licensed advanced practice registered nurse who is*

1 *qualified to perform a medical examination*, or a commissioned
2 medical officer exempted from licensure pursuant to federal law,
3 to determine that the employee is free from any communicable
4 disease unfitting the applicant to instruct or associate with children.
5 The periodic medical examination shall be at the expense of the
6 school district or county superintendent. The medical certificate
7 shall become a part of the personnel record of the employee and
8 shall be open to the employee or his or her designee.

9 (c) The state board shall adopt rules and regulations relating to
10 the implementation and administration of this section.

11 SEC. 2. Section 44839.5 of the Education Code is amended to
12 read:

13 44839.5. (a) When a school district or county superintendent
14 of schools wishes to employ a retirant who is retired for service,
15 and such person has not been previously employed as a retirant,
16 such district or county superintendent shall require, as a condition
17 of initial employment as a retirant, a medical certificate in such
18 form as shall be prescribed by the state board showing that the
19 retirant is free from any disabling disease unfitting him or her to
20 instruct or associate with children. The medical certificate shall
21 be completed and submitted directly to the school district or county
22 superintendent by a physician and surgeon licensed under the
23 Business and Professions Code, a physician assistant practicing
24 in compliance with Chapter 7.7 (commencing with Section 3500)
25 of Division 2 of the Business and Professions Code, *a licensed*
26 *advanced practice registered nurse who is qualified to perform a*
27 *medical examination*, or a commissioned medical officer exempted
28 from licensure pursuant to federal law. A medical examination as
29 prescribed by the State Board of Education shall be required for
30 the completion of the medical certificate. Such examination shall
31 be conducted not more than six months before the completion and
32 submission of the certificate and shall be at the expense of the
33 retirant. Notwithstanding Section 44031, the medical certificate
34 shall become a part of the personnel record of the employee and
35 shall be open to the employee or his or her designee.

36 (b) The school district or county superintendent of schools which
37 initially employed the retirant, or any school district or county
38 superintendent which subsequently employs the retirant, may
39 require a periodic medical examination by a physician and surgeon
40 licensed under the Business and Professions Code, a physician

1 assistant practicing in compliance with Chapter 7.7 (commencing
2 with Section 3500) of Division 2 of the Business and Professions
3 Code, *a licensed advanced practice registered nurse who is*
4 *qualified to perform a medical examination*, or a commissioned
5 medical officer exempted from licensure pursuant to federal law,
6 to determine that the retirant is free from any communicable disease
7 unfitting him or her to instruct or associate with children. The
8 periodic medical examination shall be at the expense of the school
9 district or county superintendent. The medical certificate shall
10 become a part of the personnel record of the retirant and shall be
11 open to the retirant or his or her designee.

12 (c) The state board shall adopt rules and regulations relating to
13 the implementation and administration of this section.